



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

Special City Commission Workshop Meeting

Thursday, December 29, 2016

5:30 PM

City Commission Chambers

1. CALL TO ORDER:

The meeting was called to order at 5:30 p.m. by Mayor Masiarczyk.

2. ROLL CALL – CITY CLERK:

Present: 7 - Commissioner Alcantara
Bradford
Herzberg
Honaker
Soukup
Nabicht
Masiarczyk

3. PLEDGE TO THE FLAG:

Mayor Masiarczyk led everyone in the pledge to the flag.

4. BUSINESS:

A. Commission Review of Policies and Procedures.

Commissioner Alcantara asked for clarification if the public is allowed to speak and Mayor Masiarczyk responded "yes" after the Commission's business is taken care of.

Commissioner Alcantara asked to make a motion to move the Public Comments to the beginning of the meeting.

**Motion was made by Commissioner Alcantara, seconded by
Commissioner Soukup to move Public Comments to the beginning of the
meeting.**

For: 3 - Commissioner Alcantara, Herzberg, and Soukup

Against: 4 - Bradford, Honaker, Nabicht, and Masiarczyk

Commissioner Herzberg asked to clarify how we are going to have public speak and Mayor Masiarczyk responded we don't need anything.

Commissioner Soukup asked if the meeting was properly noticed, he cannot find Special City Commission Workshop and doesn't believe the meeting was noticed properly. Mayor Masiarczyk stated you are correct it is a Special City Commission Workshop, the idea was to bring it up in front of the Commission and the Commission agreed. Commissioner Soukup stated the Mayor called a special meeting and his concern is this meeting was not properly noticed; it is not in any procedures. Assistant City Attorney Vose stated he is looking at the agenda, it is noticed as a meeting in the title and it specifies workshop in the title.

Commissioner Soukup asked if we can vote and Mayor Masiarczyk responded "no", that is why the term workshop is used; it is to discuss at length items of common interest, bring it back for a formal meeting where the public would have input, then make final decisions and no decisions will be made this evening. Commissioner Soukup stated this is exactly what we are talking about, Mayor Masiarczyk called the meeting and we didn't vote. Mayor Masiarczyk stated "yes" I called a special meeting which he said was going to be a workshop. He asked if staff had any concerns about improper notification and there was none.

Commissioner Alcantara stated in a special meeting the Commission is allowed to take action, if it is a special meeting call it a special meeting. Mayor Masiarczyk stated we are going to get tied up, so he asked if Commissioner Alcantara wanted to cancel the meeting tonight.

Commissioner Soukup stated he believed the meeting should be cancelled tonight and rescheduled and Mayor Masiarczyk asked for a motion.

Motion was made by Commissioner Soukup and seconded by Commissioner Alcantara to cancel meeting and reschedule it.

Mayor Masiarczyk asked if there was any discussion on the motion. Commissioner Honaker stated he concurred with Commissioners Soukup and Alcantara that it was a Special Commission Meeting that was called and you are allowed to vote according to our rules; it was noticed as a Special Meeting, it can be called a workshop but it is a Special Meeting according to the City Charter. He stated he wanted to make a motion to abstain from any voting tonight, just draft the paperwork and bring it back by resolution at a regular meeting where it will be televised and more people will be in attendance.

Mayor Masiarczyk stated he called a Special Workshop Meeting and he will take the blame but he stated there is a motion currently on the floor to cancel. He asked if Commissioner Herzberg wanted to comment on the motion on the floor and she responded "yes" we just voted on a motion to allow the public to speak before or after, we need to have the meeting, it was properly noticed per the charter and she read from the Charter "the City Clerk shall provide not less than 12 hours prior notice to the public where practical" and this was noticed a lot longer, there is no issue whether it is a Workshop or Special Commission Meeting and we can decide to vote or not but this is the second item we are voting on. Mayor Masiarczyk stated the vote is on the procedure

whether we move forward with the meeting and we have to have a consensus.

Commissioner Soukup stated he believed because of the wording it was not properly noticed and Assistant City Attorney Vose responded in the Guidelines, Section 2 Meetings, Subsection C, Workshop Meetings it reads "Workshop meetings may be scheduled during a regular meeting or called in the same manner as a Special Meeting; and shall be for discussion only with the exception in (2) below. Meeting times shall preferably be in the afternoon or evening hours of weekdays or on Saturdays as necessary". He added that the wording is weird but it is expressly called out in the guidelines.

Commissioner Alcantara asked the difference between the Commission Members deciding to do something in a Special Commission Meeting or a Workshop, how do actions differ and Assistant City Attorney Vose read from the Guidelines "no official action shall be taken at workshop meetings except to recommend items to be considered at a regular or special meeting or to give direction to the City Attorney or City Manager" and that is per your rules and is a constraint that you put on yourself.

Mayor Masiarczyk stated the point is I called it and can rescind calling it, he reviewed what we could or could not do, idea was not to blindside the public with discussion about 100s of issues, it is not in any formal document we can approve or disapprove tonight and get to the root of what is causing the confusion keeping this Commission from working together. He gave an example that we've spent 15 minutes talking about the terminology of the meeting and he stated he is not trying to pull anything, he is trying to move the City forward, he doesn't want to be critical or hateful but there are millions of dollars of construction projects we are not talking about and the reason he called it a Special Meeting is it wasn't on a Monday and Workshops are always on a Monday.

Commissioner Soukup stated he has asked on numerous occasions to have a meeting regarding the City Attorney removing a hard drive and Mayor Masiarczyk responded that is under investigation and we are not here to discuss that tonight. Mayor Masiarczyk stated you need to have a consensus to have that meeting and that is something we can talk about and we can start that discussion now. He stated if each of the seven (7) of us continue to go out on our own we are destroying the fabric of the City and he is going to be just as vocal; just make a suggestion, bring it to the City Commission and we will move it forward.

Commissioner Bradford stated she had taken a lot of time going through all the documents and she understood that this meeting was to go over policies and working together, we have started out by butting heads, residents and businesses are counting on us so, let's end this year by moving forward and working together.

Mayor Masiarczyk stated there is a motion on the floor and he asked that the motion be read. The Deputy City Clerk restated the motion.

Motion was made by Commissioner Soukup, seconded by Commissioner Alcantara to cancel the meeting and reschedule it.

For: 2 - Commissioner Alcantara, and Soukup

Against: 5 - Bradford, Herzberg, Honaker, Nabicht, and Masiarczyk

Mayor Masiarczyk asked Commissioner Soukup if he would like to raise his argument concerning the topic that is important which is the ability to get things on the agenda. Commissioner Soukup asked if we would be going line by line and Mayor Masiarczyk responded we will address them as they come up.

Commissioner Soukup asked to discuss Section One; Maximizing Effectiveness reading "The City Commission recognizes that the expression of differences and debate will ensure that we have good public policy. In support of this, City Commissioner's opinions will be listened to respectfully. The City Commission will be open to ideas from City Commission Members, the administration and the public". He stated this is what he is talking about, it is his job to represent his constituents and if he needs to bring up topics he should be able to go to the City Manager like we used to, like Commissioner Honaker did with the homeless issue and that is how he understood it until it changed.

Commissioner Honaker referred to Section 3, Item H reading "no action shall be taken on matters not on the agenda, including during citizen comments or Commission comments: however, if necessary an item may be added to an agenda upon the proper motion, second and majority vote provided no additional information is required" so you can bring it up during Commission comments and ask to put it on a future agenda if four (4) say "yes".

Commissioner Herzberg referred to Section 3 Item M reading, "any member of the City Commission who wishes to make a presentation to the City Commission must receive permission from the City Commission at a previous meeting" so, you can call it a presentation which is another way to bring something forward. Mayor Masiarczyk responded that is the current procedure we follow so, it still gets back to the majority versus an individual.

Vice Mayor Nabicht stated the reason for doing that is too many times we listened to Commissioner Denizac say she hadn't had time to prepare for this or study this and that is when there are problems. He suggested having a place on the agenda or adding a section early on the agenda called "Commission future agenda requests" to bring up the item so it can be discussed and then vote whether to move forward and if there is a consensus we can tell staff what we are going to need for that item. Commissioner Herzberg responded that in 2010 there was an item on the agenda that said "Additions and Deletions" that was removed at the request of the City Commission because Commissioner Denizac was uncomfortable with making decisions on the spot when there was no back-up or proper material, it is in the meeting minutes and it was at the beginning of the meeting.

Commissioner Soukup stated speaking to my point if I give a topic to the City Manager a

week or 10 days prior it would not blindsides anyone; we had a special workshop to discuss the homeless problem where a civility ordinance ended up on the Special Workshop agenda for discussion but was not an agenda item and he asked how that happened. Mayor Masiarczyk responded we cannot talk about that as it is under investigation and he understands the frustration. Commissioner Soukup referred to Section 3 N, and read "at the City Commission comments portion of the meeting, any member of the City Commission may address the record to make a statement regarding public comments or any other issue" so he should be able to say what he wants. He referred also to Sec 9 D regarding interruptions and he read "a Commissioner once recognized shall not be interrupted unless to call him or her to order". He stated this is the bigger issue as we should be allowed to bring up what we want without being cut off, he wants to be a team player and give you notice but if all don't agree he is going to speak during Commission Comments that way he does not have to go to the City Manager for an item to be discussed, there is no staff time and the public hears.

Commissioner Herzberg asked if there was a consensus on adding items to the agenda either by adding "Additions and Deletions" or by however the Commission decides. Mayor Masiarczyk responded additions and deletions was a formality and was not intended to be open ended or used to add something to an agenda, it was a staff method to let us know that staff ran into a problem and needed to pull or add an item.

Commissioner Herzberg suggested the City move forward if there are issues to readdress, like the food trucks or home businesses, some maybe need to be tweaked due to time passed, there being a line item "Discussion for future agenda topics" designated at a Workshop allowing 15 minutes discussion that a Commissioner feels is important and revisit some of these things and if consensus we do so, if not go back, reassess and bring it back up later.

Commissioner Bradford asked for legal interpretation as she is totally confused; going back to Section 3 H, she read "no action shall be taken on matters not on the agenda, including during citizen comments or Commission comments: however, if necessary an item may be added to an agenda upon the proper motion, second and majority vote provided no additional information is required", She asked doesn't that mean as of right now during the meeting if I put out a motion and I get the majority vote, then it can be put on an agenda. Assistant City Attorney Vose responded "yes" with a couple of caveats as we are discussing a workshop meeting. Commissioner Bradford stated she is referring to a regular meeting and Assistant City Attorney Vose responded by asking if Commissioner Bradford is asking if "H" encompasses having a vote to add to a future agenda but also to the present agenda. Commissioner Bradford stated according to "H" if we were in a meeting and she said she wanted to add an item to that agenda, the Commission voted, and the majority said "yes" that item would be added to the agenda. Mayor Masiarczyk stated it is with those last few words "if no other additional info is required" that the item could be stifled by asking for more information. Commissioner Bradford asked what the difference between H and M is. Assistant City Attorney Vose responded they can be read together, H is related to an action/vote; M is a presentation and is just information with no action; both pursuant to the language require a majority

vote to happen and he asked to clarify if she was applying H to a future or current meeting. Commissioner Bradford stated the way she reads now is at Tuesday's Regular Commission Meeting if she brings up "community garden" and the majority decides to discuss it, can it be added to that meeting and Assistant City Attorney Vose responded it reads "an" agenda, it is not strictly non-permissible to add an item to the meeting you are in but, the Attorney General would highly discourage that as it would not have been noticed.

Mayor Masiarczyk asked if the Commission all agrees that the agenda will stay the way it is and Vice Mayor Nabicht suggested changing the verbiage to "Commission Special Reports/Requests" and have it take affect the 2nd meeting in January. Mayor Masiarczyk asked if there was a consensus.

It was the Consensus of the Commission Members that the verbiage on the agenda be changed to "Commission Special Reports/Requests" and have it take affect the 2nd meeting in January.

Assistant City Attorney Vose stated for clarification he suggested the Commission needs to understand H which is the means by which the Commission can add something to a future agenda and rather than changing language here that says "including citizen and Commission Comments" particular word-smithing tonight may not be best but just give us precisely what it is you are looking to accomplish and he can come back with some language. Mayor Masiarczyk stated the facts are here already per Assistant City Attorney Vose, changing the format of the agenda will not affect that, unless it goes under M. He asked Assistant City Attorney Vose to bring the City Commission a draft that doesn't tie the hands of staff and provides the City Commission an opportunity to bring up new items of interest to share with Commissioners to try to solicit support. Assistant City Attorney Vose stated affectively there will be a place on the agenda for such a motion as this would be in order. Mayor Masiarczyk suggested if there is agreement it can be placed prior to public participation so the public can have an opportunity to comment. He asked if the Commission was in agreement with moving forward with staff's suggestion. Commissioner Honaker stated he is in agreement but this needs to come back before the Commission and Mayor Masiarczyk agreed this will need to be placed on an agenda to be included in our procedures.

It was the consensus of the Commission that staff can move forward with Assistant City Attorney Vose's suggestion.

Commissioner Soukup spoke about some of his major concerns being who the City Administration is; is it Charter Officers or Directors. Mayor Masiarczyk responded it is Charter Officers and the City Manager directs the department heads/directors. Commissioner Soukup stated his major concern is he keeps bringing things up that he finds out from people doing Public Records Requests and he gave examples, if information from the City Manager goes to a Commissioner everyone deserves that information, the City Manager should be in regular communication, we should hold the City Manager and the City Attorney accountable to provide all the information to all of us

and that is not happening. He asked how the Charter Officers are held accountable. Mayor Masiarczyk responded the Charter Officers work at the Commission's pleasure and he asked Commissioner Soukup if he has discussions with the City Manager on a regular basis regarding issues that are important to him. Commissioner Soukup responded she won't answer my phone calls; we are a team and one of your team players has an issue. Mayor Masiarczyk asked if Commissioner Soukup leaves a message and Commissioner Soukup responded "no". He stated that would be the proper thing to do and if the call is not returned there is a legitimate concern. Commissioner Honaker stated under the Commission guidelines there are coaching sessions, a written reprimand and other things that can be done as a body like give a coaching session to the City Manager to read the guidelines and do better regarding communicating with all of the Commissioners.

Commissioner Alcantara agreed that the City Manager needed to do a better job communicating and he referred to Policy No. CC99-007 regarding City Commission correspondence adopted September 8, 1999; in order to keep members of the City Commission informed a read file will be established in the City Manager's office where copies of information will be kept on file for 60 days like memorandums, official correspondence on City letterhead, official City information regarding suits against the City, requests for information, electronic email messages received by the Commission and he asked if this is still being followed. Mayor Masiarczyk stated the reason for that was at that time the City did not have the technology that is available now so, that file was kept so Commissioners could keep up with what was going on. He added there are a whole lot of those policies that need to be done away with because they are out of date, useless and obsolete. He stated every city has ordinances on the books they don't follow and he is going to bring up many more by simple action of the City Commission to update or go by the wayside.

Commissioner Honaker spoke about Pg. 2 Communications 5; that right now in the City is in violation of Florida Statutes regarding Commissioners needing to pay for Public Records Requests that are in excess of 15 minutes of Staff time just like the residents do.

Commissioner Soukup spoke about Pg. 2 Communications, asking what to do when he doesn't get the info requested regarding a law suit and settlement filed in 2013 that was just settled. Mayor Masiarczyk responded he was not sure what Commissioner Soukup was referencing and he suggested if there is a specific request make it specific. Commissioner Soukup responded he should know about all the law suits, when a law suit is filed and settled. Mayor Masiarczyk asked if the information had been provided and did Commissioner Soukup take the responsibility to write back providing the specifics. Commissioner Soukup responded moving forward he should not have to ask, he should already be informed at some point in the process.

Mayor Masiarczyk asked Assistant City Attorney Vose if there would be a problem notifying the Commission through the City Manager of any suits that are brought against the City. Assistant City Attorney Vose stated generally "no" but he needs to clarify that

because there are lawsuits that go before the City Commission on particular issues and then there are the standard slip and falls. He asked if the City Commission would want to receive information on those as well. He stated there are also the ones that would not be considered litigation like Workers Comp claims which don't go thru Legal but do go through Human Resources.

The Commission discussed being made aware of suits and settlements and would there be a problem with legal notifying the Commission of any suits, suits/settlements being included on weekly report and if in legal boundary add legal actions, those bringing media attention to the City, having open dialog between City Attorney's office and City Commission being imperative, any additional information being included in the City Attorney's report, creating a section in City Attorney's Report on litigation, suits that many times cannot be discussed until case is closed, grouping suits together so you can see pending and/or settled status and in general having more information on pending litigation, new business and settled business.

Bradford left the meeting at 7:35 p.m. and returned at 7:39 p.m.

Assistant City Attorney Vose asked to clarify what the Commission wanted since he will be implementing this that the information would include addressed litigation to include all litigation he is working with Human Resources on that includes information concerning Workers Comp cases. He stated he can work with the City Manager in regards to litigation including pending, keeping track providing the current status and new litigation. He added potential litigation would be more difficult to provide and would be those where the City has received a notice to provide information and one (1) other category is where the City of Deltona is not the primary defendant. Vice Mayor Nabicht clarified that law enforcement litigation should not be included as that is county.

Mayor called a recess at 7:36 and reconvened at 7:43.

Commissioner Honaker stated the long City Attorney reports and Workers Comp reports from staff are not needed; we can get a copy of Human Resource's reports. Assistant City Attorney Vose responded what he heard from the discussion was the Commission wanted a condensed status report. Mayor Masiarczyk added that the Commissioners can call if additional information is wanted. Commissioners Soukup and Honaker both asked to include slip and fall cases in case there are problems areas within the City.

The Commission concurred with receiving a condensed version of the City Attorney's report.

Commissioner Honaker read No. 5. under Communications - "the City Commission may pass along information or request information directly from staff after informing the City Manager without directing staff" and suggested adding to that the Florida Statute (F.S.) where it says "all" residents and does not exclude elected officials must pay for Public Records Requests (PRR) at hourly rate with benefits if the request takes more than 15 minutes and will be handled in accordance with PRR policies. Commissioner Herzberg

agreed that it was unfair to charge residents and not the Commission, far beyond that, it is costing money to do those requests, everyone should have to pay the same rate and that would clarify it. She stated she hopes that will receive a Commission consensus. Commissioner Alcantara stated the reason for the PRR's he has been doing is he doesn't feel the City Manager is very responsive and he would get them sooner, it takes days and days for the City Manager to respond and he asked if she is the same way with the rest of the City Commission. He stated he was told the City Commission was exempt and now because he wants PRR's the rules are going to change.

The Commission discussed if an individual Commissioner has the desire to look into an issue the issue should be brought before the Commission for a consensus and the Commission can direct staff, individual Commissioners no longer being able to direct City Attorney to do anything without going to the Board first, using the same logic for Public Records Requests (PRR) and if no consensus then the individual Commissioner can pay per F.S. the PRR required costs, favoring a cap on costs of some kind, the cap in the PRR law being anything in excess of 15 minutes, staff time is supposed to be hourly wage plus benefits, F.S. does not distinguish between the public and City Commissioners, the difference between an agenda item and a PRR, no policy on PRR until brought up, circumventing PRR law by sharing PRR with others, the sheer volume of requests, requests not on issues that have been raised and wanting to make the City Commission better as a body.

Commissioner Alcantara asked that the current requests not be affected and Mayor Masiarczyk responded it would not affect the current ones. City Manager Shang noted there are numerous PRR's from Commissioner Alcantara that are in the queue and she gave examples of a request for correspondence between Mr. Adams and the City Manager at a cost of about \$9,000 and the City Manager's emails for October, November and December at a cost of about \$540, another for \$209 plus recent ones from the past week where the time has not been estimated but will take numerous hours.

Commissioner Soukup stated we are here to discuss operating guidelines and policies but, we made it a personal attack against a Commissioner and it bothers him. He stated that if a Commissioner asks for a PRR and the Commissioner pays for it he feels it should not be sent to anyone else because they did not pay for it. Mayor Masiarczyk responded that a Commissioner had concerns about it and asked to see the PRR.

Commissioner Herzberg spoke about #3 under Communications where it says "open and regular communication will be used to insure that both the City Commission and the City's administration are informed so that neither is surprised or blind-sided on issues and questions". She gave an example of when she sees in the media and on Facebook that people are asked to come to the meeting to see what is going on and more than once the City Commission has been blindsided by news media. She stated she knew nothing about the \$9,000 request and the request being withdrawn, the amount of dollars being spent for PRR's, suggested hiring someone to help with the additional work and pulling funds from other budgets to pay that person to handle the requests,

staff being cut to bare bones and cannot handle it, making everyone pay for PRR's to make it fair, and make it part of the new Commission policies. Commissioner Honaker stated he had asked that this be added to #5 under Communications and all need to follow the Florida Statutes regarding PRR's.

Vice Mayor Nabicht asked to clarify if City Manager Shang's estimates are to do the work on current requests or has the PRR work been done. He suggested if work is not completed to not complete them unless they are paid for, or the requesting Commissioner can bring the items before the City Commission to determine whether or not there is a consensus to move forward to agenda the items and at that time the Commission will direct staff to prepare the documents, determine whether or not to continue with the PRR and what the Commissioner is trying to get to. He stated he does not believe the City needs to spend tax payer's money for a fishing expedition and he added no Commissioner is allowed to direct staff and that includes the City Attorney, City Manager, City Clerk's Office and department heads. He stated we need to work on correcting behaviors and policies from the past and move forward. He stated he has had a few conversations with the business community and it is putting doubt in investor's minds and he wants to move everything forward. He stated we have Halifax/Fish and doctors here now and it is because the City Commission as a group did it, we engaged and it is happening.

The Commission discussed wanting to see the PRR's and the responses in case something needs to be addressed, why the costs are so high, having to open every email and attachment to see if something needs to be redacted, the process, being more specific with PRR's and the number of requests being overwhelming.

Commissioner Alcantara stated he can see where we are going with PRR done by Commissioners, the ones already submitted should not be charged for because previous City Commissioners were not charged. Mayor Masiarczyk responded it seems that there is a majority of the Commission that believes PRR's should be treated as per F.S. that anyone requesting a PRR has to pay and he asked if there is anyone with any outstanding PRR's with the exception of Commissioner Alcantara. It was determined that Commissioner Alcantara was the only one and he asked if Commissioner Alcantara had or wants the opportunity to review those requests to see if any can be brought to the Commission for action versus a being a PRR. Commissioner Alcantara responded "no", whatever he has submitted, he wants filled as has been done in the past.

Mayor Masiarczyk asked if the Commission wants to go along with that or oppose it. Commissioner Honaker and Commissioner Soukup agreed the PRR's already submitted should be grandfathered in. Commissioner Herzberg stated she believed the PRR's should be grandfathered in but she would like to see an estimate of cost for anyone that is not paying, retroactively pay for those that she did and all PRR's should reflect the cost had you paid for it. Commissioner Bradford stated she did not feel there was adequate information to be able to answer the question, the dollar amounts are shocking to her, she cautioned to watch the budget, referred to the 15 requests submitted on Christmas, what the cost is going to be, the amount needs to be

evaluated, the budget is the Commission's responsibility and it doesn't matter who asked for it.

Vice Mayor Nabicht asked if there is a dollar amount of what the City Commission has cost so far this budget year for fulfilling PRR's where fees were not paid and City Manager Shang responded we started keeping a log since September and prior to that it was probably about 150-200 hours average per month spent addressing PRR's; in September the amount of hours rose to 740 hrs., October was 434, November was 330 and as of December 20th the estimate will be 2,300 plus the requests received over the past couple of days that have not been calculated. Vice Mayor Nabicht suggested there is a mechanism to fill Commissioner Alcantara's request at no cost which is to bring the issue to the City Commission and request authorization to have them filled or he pays for them as it is not Commission business; we have argued over supplying coffee at \$600 per year and what he is hearing is the body is willing to allow an undetermined amount of money for an unknown reason and purpose for PRR's, this is a fiscal issue, it is not a few hundred dollars but this is 10's of thousands of dollars, so share with me the reason and let each of us weigh in to see if it is a valid issue, it is an unbudgeted request and where is the money coming from to pay staff.

Mayor Masiarczyk stated because there is no policy and staff is trying to please and accommodate the City Commission, staff has been taken advantage of under some circumstances to obtain the info wanted. He stated he understands the reluctance to go the route where you would have to convince the City Commission of the need to continue with the PRR and is it worth our while to provide information that may never be discussed again. He stated having no understanding of what is being asked and without a complete understanding of cost we need to draw the line somewhere, none of this is budgeted and it needs to stop tonight. He stated everyone has been given direction on how to go about bringing things up and we need to start charging effective immediately and follow F.S. at the full rate allowed. He stated we have talked about the PRR's received and provided and he is not for grandfathering in. Commissioner Soukup responded he was playing within the rules that were there, he was given instruction and he thinks we should ask Commissioner Alcantara if he wants to move forward. Mayor Masiarczyk stated there is no policy, simple requests were always just handled and then it has morphed into asking for a PRR's, staff has to provide them and we have to nip it in the bud. Commissioner Alcantara stated he does not have an issue with moving forward with paying, he agrees but he was told that City Commission does not pay for PRR's and he suggested drawing the line for any future requests moving forward to be paid for.

Mayor Masiarczyk stated he had been inclined to go along with Commissioner Alcantara but today he learned the costs are over a year's labor and that has made him say it has to stop, doesn't know what ones are pending, can look at them but, does not give me the cost, how many others are out there and how much \$, if it is that important you should be responsible to pay for them, only you can decide to move forward, use the other method that is currently in place or pay.

Commissioner Honaker stated we have to be fiscally responsible, cannot make a

judgement on the cost but whether it is the right thing to do, he was going by the past policy of not paying when he submitted them, suggested Commissioner Alcantara look at those pending and see what ones are needed and what ones can be withdrawn.

Commissioner Herzberg stated just looking at the numbers at \$20.00 per hour average 150-200 hours is \$3 - 4 thousand, September was \$14,800, October was \$8,600, November was \$6,600 and December was \$46,000 and we are going to have a discussion at the next meeting whether or not to grant \$2,500 to the West Volusia Wolves Cheerleaders; we have even questioned adding another notary at \$100 - \$150.

Mayor left the meeting at 8:56 and returned at 8:59

Commissioner Herzberg stated she personally needs to be a good steward of tax payer dollars and try to save the City money by redirecting money for things that are beneficial to the City for example, the Trap, Neuter, Release (TNR) program saved \$100k over 2 yrs., it was free in terms of man hours. She stated she was for grandfathering the PRR's in until she figured out the dollar amounts and she asked what department or programs should be cut to pay for those PRR's; that will be a decision the Commission will have to make at budget time.

Commissioner Bradford stated she had a question to direct to Legal regarding Policy CW06-001 pointing out that nowhere does it say the City Commission are treated differently and shouldn't we be adhering to policy. Assistant City Attorney Vose responded that is the current policy, he is not aware precisely of the history of Commissioners being entitled to PRR's without paying but, the written policy was never amended to provide for that. Commissioner Bradford stated as a Commissioner it is her responsibility to judge her decision based on what is in this policy and according to this policy there is nothing that extends the courtesy to a Commissioner to not pay what everybody pays. She stated this is the policy and we should be following the policy; it says we should pay so, we should pay.

Mayor Masiarczyk stated there has never been a policy on it, it has morphed into something that now needs to be addressed, we have been more than accommodating and the sheer volume of info that would be generated boggles the mind. He asked Commissioner Alcantara what he is looking for, why are you asking for 10 years of information and what would 10 years of historical information have to do with an issue affecting us today that we need to address, you should make that plea to the Commission and if it requires going back 10 years we can, some of the requests seem to be very generic, we don't know what the PRR's are, how long, and have no idea of the costs. He stated Commissioner Alcantara has the right to learn, he has the right to ask for information but, you will need to pay for it. He stated he would be in favor of grandfathering in if it was a trivial amount of money but, we do not know how much it is.

It was the consensus of the Commission to move forward with charging for PRR's per F.S.

Vice Mayor Nabicht asked if the Commission should direct City Manager Shang to set an agenda date to put the items talked about tonight on an agenda to be voted on.

Mayor Masiarczyk stated the only direction given so far was that for Assistant City Attorney Vose make changes to the guidelines for agenda items and with PRR's there is no policy change and everyone moving forward will pay according to F.S. Commissioner Honaker stated he asked on Pg. 3-11 No. 5 to put PRR's under communications and to add "all information requested will be handled in accordance with F.S., PRR law and City policy". Mayor Masiarczyk asked Assistant City Attorney Vose to add the language to Pg. 3-11 5. Communications, "PRR's or requests for information that exceed 15 minutes of staff time be brought before the City Commission and Vice Mayor Nabicht added "unless it's an agenda item".

Commissioner Herzberg stated on Pg. 3-11 5. it reads "the City Commission may pass along information or requests" it states the "City Commission" as a body, it does not say individual Commissioners, it does not say PRR's and it needs to be specified. Mayor Masiarczyk responded individual Commissioner's requests need to be brought to the Commission if they exceed the 15 minutes of staff time.

Vice Mayor Nabicht asked are we going to give staff a meeting date that we want this to be placed on the agenda and Mayor Masiarczyk responded there is no hurry, staff can work on this and bring it back. Vice Mayor Nabicht stated he differed, that he believes there is a great deal of urgency to clarify these policies, it was important enough that a special meeting was called and Mayor Masiarczyk responded PRR's will be treated according to State Statutes as of today and he asked that we try to get these changes in the City Commission guidelines for the 2nd meeting in January and there will need to be a resolution with the changes.

Commissioner Honaker stated there was discussion of grandfathering so, we need concurrence going forward.

Mayor Masiarczyk stated if the City Commission is in agreement that going forward all new Public Records Requests will be paid for whether it is a City Commissioner or any resident, we did not address anything else as a consensus so that means that we are moving forward with all new PRR's.

Mayor Masiarczyk asked if there was a consensus of the Commission that moving forward all future Public Records Requests will be paid for whether they are on the Commission or not.

Commissioner Soukup Yes

Commissioner Herzberg Yes - from today on

Commissioner Honaker Yes

Commissioner Alcantara Yes

Commissioner Bradford Yes - from today on

Vice Mayor Nabicht Yes

Mayor Masiarczyk Yes

Mayor Masiarczyk stated next are the pending PRR's that have not been addressed and that have been legitimately submitted but have not been fulfilled yet or a number has not come up and he asked if the Commission wanted to grandfather them in.

Commissioner Honaker Yes

Commissioner Bradford No

Vice Mayor Nabicht No

Commissioner Herzberg/Mayor Masiarczyk Neutral

Commissioner Soukup Yes

Commissioner Alcantara Yes

Commissioner Herzberg stated she wants to reserve her decision until she knows the costs. Mayor Masiarczyk stated he agrees with Commissioner Herzberg that he favors grandfathering in if it is not a ridiculous amount and within the next 24 to 48 hours Commissioner Alcantara can maybe decide what he wants to do with the ones that are pending, staff can put together a cost and we can make a decision but, right now there

Motion was made by Commissioner Soukup, seconded by Vice Mayor Nabicht to table the meeting to another workshop.

For: 6 - Commissioner Alcantara, Bradford, Herzberg, Soukup, Nabicht, and Masiarczyk

Against: 1 - Honaker

Assistant City Attorney Vose stated the Commission had indicated previously in the meeting that the meeting would be open to public comment. Mayor Masiarczyk responded the meeting has been tabled however in fairness to those in the public in attendance public comment will be allowed on issues that affect tonight's deliberations and cannot be on any other subject.

Commissioner Soukup asked if it is legal to have public only speak on the items on the agenda. Assistant City Attorney Vose responded that when it is a Special Commission Workshop Meeting on a specific topic as this meeting was tonight the chair can direct that public comment only be on the topic of the agenda and there were no objections

Brandy White, 2926 Chalmer Street, Deltona, FL spoke about her concerns with being restricted to items on the agenda, the PRR's becoming personal when code enforcement is sent to her home after speaking out, wanting the notes being passed out be submitted to public record, needing a majority to put things on the agenda, a majority being four (4) of seven (7) and if four (4) are in collusion it would never be heard, why is Tetra Tech charging us for our own records and the only concern isn't the money but what the PRR it is for.

Patricia Gibson, 230 Courtland Blvd, Deltona, FL spoke about being a business owner

and having a question about the City's Code Enforcement Officers. Mayor Masiarczyk stated that is not one of the topics that was discussed on the agenda tonight that is for Tuesday night's meeting.

Mayor Masiarczyk adjourned the meeting at 9:25. He took back the adjournment realizing there were others wanting to speak.

Curt Sniffen, 1333 Ferandina Drive, Deltona spoke about things that have come out tonight about being transparent to us as a community, being team players, we are part of the team and the City Commission lost sight of that with some of your decisions, if the City Commissioner has to pay are we going to ask all other City Commissioners in the past to pay for their requests, he is in favor of grandfathering in, a precedent was set and he assumed that was fair. He stated he elected Commissioner Alcantara, he voted for him and he is doing the job I want him to do.

John Viccaro representing the Firefighters' Union spoke about a clarification on precedence, failure or leniency to enforce the rules sets a precedence and it does not typically fulfill that precedence.

5. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:27 p.m.

Janet Day, DEPUTY CITY CLERK